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Question of the Falkland Islands (Malvinas)

Letter dated 3 January 2014 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a note on the 181st anniversary of the illegitimate British occupation of the Malvinas Islands, issued by the Government of the Argentine Republic on 3 January 2014, the latest anniversary of the illegitimate occupation of the Malvinas Islands by the United Kingdom of Great Britain and Northern Ireland (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 44, concerning the question of the Malvinas Islands.

(*Signed*) María Cristina **Perceval**
Ambassador
Permanent Representative

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Annex to the letter dated 3 January 2014 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

Note on the 181st anniversary of the illegitimate British occupation of the Malvinas Islands

On 3 January 1833, British military forces occupied the Malvinas Islands, expelled the population and the Argentine authorities lawfully established there and replaced them with British subjects. The Argentine Republic immediately protested against that unlawful act of force by the colonial Power, to which it never gave its consent.

The illegitimate British colonial occupation has been exacerbated by a provocative and continuous disregard for international law, manifested through the United Kingdom's steadfast refusal to resume sovereignty negotiations in accordance with the United Nations mandate in force, established by General Assembly resolution 2065 (XX) and reaffirmed by nine more Assembly resolutions and 31 Special Committee on decolonization resolutions, the most recent of which was adopted unanimously on 20 June 2013.

The Argentine Government reiterates that the principle of the self-determination of peoples, which is the sole ground invoked by the United Kingdom in support of its position on the Malvinas Islands, is totally and manifestly inappropriate and inapplicable to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. By invoking it with the aim of perpetuating a colonial situation, the British position seeks to distort this principle, thereby defeating the purposes for which it was intended. None of the criteria for applying the principle of self-determination are met by the question of the Malvinas Islands. In addition, the British position is contrary to the provisions of resolution 2065 (XX) and subsequent General Assembly resolutions, as well as the resolutions on the question of the Malvinas Islands adopted each year by the Special Committee on decolonization. What is more, in 1985, the General Assembly twice expressly ruled out the possibility of applying that principle to the question of the Malvinas Islands.

The United Kingdom's refusal to open a dialogue with Argentina on this question is compounded by the military presence it maintains on the pretext of alleged defence requirements and by the constant conduct of unlawful unilateral activities in the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, such as the issuance of fishing licences and permits for hydrocarbons exploration and exploitation. These activities are in clear contravention of General Assembly resolution 31/49, in which the two parties are called upon to refrain from introducing unilateral modifications in the situation pending the completion of the negotiation process recommended by the Assembly.

The United Kingdom's colonial attitude contrasts with Argentina's willingness to engage in dialogue, which is increasingly supported by the international community. Indeed, the Argentine Republic's legitimate and imprescriptible sovereignty rights in the question of the Malvinas Islands are strongly supported by the countries of Latin America, the Caribbean and Africa, which have expressed such support

through regional and biregional forums such as the Community of Latin American and Caribbean States (CELAC), the Union of South American Nations (UNASUR), the Southern Common Market (MERCOSUR) and the third Africa-South America Summit, held in Malabo in February 2013. At the Ibero-American and the South American and Arab Countries Summits, as well as in the Group of 77 and China, the United Kingdom has been called upon to resume negotiations with Argentina.

The region has unanimously rejected the British military presence in the South Atlantic and has expressed concern about the above-mentioned unilateral activities through a variety of pronouncements at the presidential summits of the MERCOSUR States parties and associated States, of UNASUR and of CELAC, and at the Ibero-American Summits and meetings of the States members of the zone of peace and cooperation in the South Atlantic. This stance is reflected in the commitments undertaken by the UNASUR and MERCOSUR countries to take practical steps to prevent the entrenchment of the United Kingdom's unlawful unilateral activities in the South Atlantic and, as decided recently by the Latin American Energy Organization, in the recognition of Argentina's right to take legal action under international law in respect of unauthorized hydrocarbons exploration and exploitation activities.

Today, 181 years after the usurpation, the Argentine Government reaffirms once again the imprescriptible sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which are an integral part of its territory, and reiterates its constant and sincere willingness to resume the bilateral negotiation process with the United Kingdom, as called for by the international community, in order to find a peaceful and definitive solution to the sovereignty dispute, thereby putting an end to this anachronistic situation.